

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

In The Matter of Disciplinary
Proceedings Against:

BRIAN C. FOWLER

Respondent.

ORDER REVOKING

LIMITED REAL ESTATE
SALESPERSON'S LICENSE

To:

*Mr. Brian C. Fowler
122 E. Gilman Street, Apt 105
Madison WI 53703*

FINDINGS OF FACT

1. On May 5, 1999, the Wisconsin Department of Regulation and Licensing (Department) issued an Order Adopting Stipulation granting a limited real estate salesperson's license to Brian C. Fowler, a copy of which is annexed hereto. Among other things, the Order Adopting Stipulation requires that Brian C. Fowler file quarterly reports with the Department providing information concerning his employment, job performance, arrest and conviction record, and compliance with the terms of his probation. The Order Adopting Stipulation requires in paragraph 3.b. that Brian C. Fowler report ". . . whether or not he has been charged with or convicted of a crime (including Driving While Intoxicated) during the term of the order."
2. The Order Adopting Stipulation further provides that the failure of Brian C. Fowler to comply with the terms and conditions of the Order Adopting Stipulation shall result in the revocation of his limited real estate salesperson's license without further notice or hearing or other proceedings.
3. Ted Nehring is an employee of the Department whose job title is "Department Monitor" and whose responsibilities include receiving and monitoring reports from credential holders who hold a limited credential and who are required to file reports with the Department.
4. On or about December 21, 1999, Ted Nehring wrote to Clete Hansen, Administrator of the Division of Business Licensure and Registration in the Department concerning Brian C. Fowler, stating in part that:

"Mr. Fowler is under an Order dated May 5, 1999. Mr. Fowler was to send in a quarterly report on November 1, 1999. He has never sent in the report. I have written him two letters, on November 10, and December 7, reminding him of the late report. As to this, date there is no report."

"Mr. Fowler left his employment with the Stark Company on September 29, 1999. He never informed me of that."

"The Madison Police arrested Mr. Fowler on October 28, 1999. He as not been convicted, but has been charged with Operating while Intoxicated (4th). He has also been charged with Disorderly Conduct and Fraud on Taxicab Operator, arising out of an incident that preceded the OWI charge. I was never informed of the charges by Mr. Fowler, but found them out on my own."
5. As of the date of this decision Brian C. Fowler has not filed the reports required by the Order Adopting Stipulation.
6. As of the date of this decision Brian C. Fowler has not reported to the Department that he has been charged with Operating while Intoxicated (4th), Driving While Intoxicated, Disorderly Conduct and Fraud on Taxicab Operator as required by the Order Adopting Stipulation.

CONCLUSIONS OF LAW

- A. The failure of Brian C. Fowler to file reports on August 1, 1999 and November 1, 1999 constitutes a failure to comply with the terms of the limitations in the Order Adopting Stipulation.
- B. The failure of Brian C. Fowler to report that he has been charged with Operating While Intoxicated (4th), Driving While Intoxicated, Disorderly Conduct and Fraud on Taxicab Operator constitutes a failure to comply with the terms of the limitations in the Order Adopting Stipulation.
- C. The State of Wisconsin Real Estate Board has jurisdiction in this proceeding under Chapter 452, Stats and the provisions in the Order Adopting Stipulation.
- D. The State of Wisconsin Real Estate Board has authority to issue the following Order under Chapter 452, Stats., and the provisions in the Order Adopting Stipulation.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Brian C. Fowler to practice as a real estate salesperson in the state of Wisconsin is REVOKED.

Dated: February 21st, 2000.

STATE OF WISCONSIN
REAL ESTATE BOARD

By Cletus J. Hansen
Administrator

Attachments: Order Adopting Stipulation
Notice of Appeal Rights